

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

UNITED STATES OF AMERICA	)	
	)	
v.	)	No.: 2:07-CR-40
	)	
HERBERT S. MONCIER	)	

ADDENDUM TO SENTENCING MEMORANDUM

Comes now the United States of America, by and through William C. Killian, United States Attorney for the Eastern District of Tennessee, and files this Addendum to Sentencing Memorandum in the above-styled case.

The United States will rely on its sentencing memo previously filed in this case as document no. 67. The only additional factor that the United States believes the Court should consider is defendant's continued refusal to accept responsibility for his contemptuous behavior. Even after two trials and review by the Sixth Circuit, defendant Moncier continues to take the position that he did nothing wrong, but if he did, it was because of a sleeping aid malfunction. The United States believes that this factor compels the Court to fashion a sentence that will address this issue and the other issues cited in the United States' prior memorandum.

Title 18 U.S.C. § 3553(a)(2) requires the Court to fashion a sentence that will, among other things, promote respect for the law and provide the defendant with needed educational or vocational

training, medical care, or other correctional treatment in the most effective manner. Unfortunately, it appears the sentence imposed prior to retrial had little or no impact on the defendant.

Respectfully submitted,

WILLIAM C. KILLIAN  
United States Attorney

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#### CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2011 a copy of the foregoing Sentencing Memorandum was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other interested parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

By: *s/ Robert M. Reeves*  
ROBERT M. REEVES  
Assistant U.S. Attorney